

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO S.B. 1211

(Reference to Senate engrossed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 1-305, Arizona Revised Statutes, is amended to  
3 read:

4 1-305. Election day

5 A. The biennial primary election day on the ~~eighth~~ NINTH Tuesday  
6 before the general election and the biennial general election day on the  
7 first Tuesday after the first Monday in November of every even-numbered year  
8 are not legal holidays.

9 B. Every public officer or employee is entitled to absence from  
10 service or employment for the purpose of voting pursuant to section 16-402 on  
11 the biennial primary and general election days.

12 Sec. 2. Section 16-204, Arizona Revised Statutes, is amended to read:

13 16-204. Declaration of statewide concern; consolidated election  
14 dates

15 A. While the legislature recognizes that the method of conducting  
16 elections by political subdivisions, including charter counties and cities,  
17 may be a matter of local concern, the legislature finds and determines that  
18 for the purposes of increasing voter participation and for decreasing the  
19 costs to the taxpayers it is a matter of statewide concern that all elections  
20 in this state be conducted on a limited number of days and, therefore, the  
21 legislature finds and declares that the holding of all elections on certain  
22 specific consolidated days is a matter of statewide concern.

23 B. Notwithstanding any other law or any charter or ordinance of any  
24 county, city or town to the contrary, an election held for or on behalf of a  
25 county, city or town, a school district, a community college district or  
26 special districts organized pursuant to title 48, chapters 5, 6, 8, 10, 13  
27 through 16 and 33 may only be held on the following dates:

1           1. Except for regular elections for candidates in a city or town with  
2           a population of one hundred seventy-five thousand or more persons, all  
3           elections, including recall elections and special elections to fill  
4           vacancies, shall be held on:

- 5           (a) The second Tuesday in March.  
6           (b) The third Tuesday in May.  
7           (c) The ~~eighth~~ NINTH Tuesday before the first Tuesday after the first  
8           Monday in November.

9           (d) The first Tuesday after the first Monday in November.  
10          Notwithstanding any other law, an election must be held on this date for the  
11          approval of an obligation or other authorization requiring or authorizing the  
12          assessment of secondary property taxes by a county, city, town, school  
13          district, community college district or special taxing district, except as  
14          provided by title 48.

15          2. For regular elections that are only for candidates in a city or  
16          town with a population of one hundred seventy-five thousand or more persons  
17          and not including recall elections and special elections to fill vacancies in  
18          those cities or towns, elections shall be held on:

- 19           (a) The ~~eighth~~ NINTH Tuesday before the first Tuesday after the first  
20           Monday in November.

21           (b) The first Tuesday after the first Monday in November.

22          C. For any city or town, including a charter city, that holds its  
23          regularly scheduled candidate elections in even-numbered years pursuant to  
24          subsection B, paragraph 2, the term of office for a member of the city  
25          council or for the office of mayor begins on or after the second Tuesday in  
26          January in the year following the election.

27          D. This section does not apply to an election regarding a county or  
28          city charter committee or county or city charter proposal that is conducted  
29          pursuant to article XIII, section 2 or 3 or article XII, section 5,  
30          Constitution of Arizona.

31          Sec. 3. Section 41-772, Arizona Revised Statutes, is amended to read:

1                   41-772. Prohibitions; violation; classification; civil penalty;  
2                   protection of civil or political liberties

3                   A. An employee shall not:

4                   1. Use any political endorsement in connection with any appointment to  
5                   a position in the state service.

6                   2. Use or promise to use any official authority or influence for the  
7                   purpose of influencing the vote or political action of any person or for any  
8                   consideration.

9                   B. An employee or member of the personnel board shall not be a member  
10                  of any national, state or local committee of a political party, an officer or  
11                  chairman of a committee of a partisan political club,~~—~~ or a candidate for  
12                  nomination or election to any paid public office, shall not hold any paid,  
13                  elective public office or shall not take any part in the management or  
14                  affairs of any political party or in the management of any partisan or  
15                  nonpartisan campaign or recall effort, except that any employee may:

16                  1. Express his opinion.

17                  2. Attend meetings for the purpose of becoming informed concerning the  
18                  candidates for public office and the political issues.

19                  3. Cast his vote and sign nomination or recall petitions.

20                  4. Make contributions to candidates, political parties or campaign  
21                  committees contributing to candidates or advocating the election or defeat of  
22                  candidates.

23                  5. Circulate candidate nomination petitions or recall petitions.

24                  6. Engage in activities to advocate the election or defeat of any  
25                  candidate.

26                  7. Solicit or encourage contributions to be made directly to  
27                  candidates or campaign committees contributing to candidates or advocating  
28                  the election or defeat of candidates.

29                  8. BE A CANDIDATE FOR AND HOLD THE OFFICE OF PRECINCT COMMITTEEMAN.

30                  C. Except for expressing his opinion or pursuant to section 16-402, an  
31                  employee shall not engage in any activity permitted by this section while on  
32                  duty, while in uniform or at public expense.

1           D. A person shall not solicit any employee or a member of the  
2 personnel board to engage or not engage in activities permitted by this  
3 section with the direct or indirect use of any threat, intimidation or  
4 coercion including threats of discrimination, reprisal, force or any other  
5 adverse consequence including the loss of any benefit, reward, promotion,  
6 advancement or compensation.

7           E. A person shall not subject any employee or a member of the personnel  
8 board engaging in activity permitted by this section to any direct  
9 or indirect discrimination, reprisal, force, coercion or intimidation or any  
10 other adverse consequence including the loss of any benefit, reward,  
11 promotion, advancement or compensation.

12          F. A person shall not subject any employee or member of the personnel  
13 board who chooses not to engage in any activity permitted by this section to  
14 any direct or indirect discrimination, reprisal, force, coercion or  
15 intimidation or any other adverse consequence including the loss of any  
16 benefit, reward, promotion, advancement or compensation.

17          G. ~~The provisions of~~ This section ~~do~~ DOES not apply to school board  
18 elections or community college district governing board elections, and an  
19 employee may serve as a member of the governing board of a common or high  
20 school district or as a member of a community college district governing  
21 board.

22          H. An employee who violates any of the provisions of this section  
23 shall be subject to suspension of not less than thirty days or dismissal.

24           I. A person who violates:

25           1. Subsection D, E or F of this section is guilty of a class 6 felony.

26           2. Any other provision of this section is guilty of a class 1  
27 misdemeanor.

28          J. In addition to any other penalty, any person soliciting or  
29 encouraging a contribution in a manner prohibited by this section is subject  
30 to a civil penalty of up to three times the amount of the contribution  
31 solicited or encouraged plus costs, expenses and reasonable attorney fees.

1               K. Nothing contained in this section shall be construed as denying any  
2 employee or board member his civil or political liberties as guaranteed by  
3 the United States and Arizona Constitutions.

4               L. It is the public policy of this state, reflected in this section,  
5 that government programs be administered in an unbiased manner and without  
6 favoritism for or against any political party or group or any member in order  
7 to promote public confidence in government, governmental integrity and the  
8 efficient delivery of governmental services and to ensure that all employees  
9 are free from any express or implied requirement or any political or other  
10 pressure of any kind to engage or not engage in any activity permitted by  
11 this section. Toward this end, any person or entity charged with the  
12 interpretation of this section shall take into account the policy of this  
13 section and shall construe any of its provisions accordingly."

14 Amend title to conform

EDDIE FARNSWORTH

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2:49 PM  
H:jmb